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October 4, 1995

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

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Dear Mr. Caton:

Attached hereto are an original and five (5) copies of the Comments of Orion Network Systems, Inc. ("Orion") in the Commission's Notice of Proposed Rulemaking to Streamline the Commission's Rules and Regulations for Satellite Application Licensing Procedures, IB Docket No. 95-117, FCC 95-285 (Released August 11, 1995).

Please contact the undersigned at (301)-258-3314 if the Commission should desire any information in connection with this rulemaking proceeding.

Very truly yours,

A handwritten signature in dark ink, appearing to read "April McClain-Delaney", is written over a horizontal line.

April McClain-Delaney, Esq.
Director of Regulatory Affairs

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COMMISSION
WASHINGTON, DC 20554

In the Matter of)
)
Streamlining the Commission's Rules) IB Docket No. 95-117
and Regulations for Satellite Application)
Licensing Procedures)

To: The Commission

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COMMENTS OF ORION NETWORK SYSTEMS, INC.

Orion Network Systems, Inc. ("Orion"), hereby submits these Comments in accordance with the Commission's Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding, FCC 95-285, released August 11, 1995. In these Comments, Orion responds to the FCC's proposed rules to streamline application and licensing procedures and requirements for satellite space and earth stations under Part 25 of the Commission's Rules.

Background

Orion is the parent company of Orion Satellite Corporation, the general partner of Orion Atlantic, which holds a license for the operation of the separate international system serving the Atlantic Ocean Region initially by means of the Orion 1 satellite located at 37.5° W.L.¹ Orion has a vested interest in the outcome of this proceeding because of its ownership interest and operation of a separate system satellite, and because its wholly owned subsidiaries (Orion Satellite Corporation and OrionNet, Inc.) hold FCC licenses for twenty-four transmit-receive earth stations, a Telemetry, Tracking and Control facility ("TT&C") in Mt. Jackson, Virginia and three receive-only earth stations.

¹ Orion Atlantic is the trademark name of International Private Satellite Partners, L.P. ("IPSP"), a Delaware limited partnership. Furthermore, on September 15, 1995, the Commission granted a pro forma assignment of the Orion 1 license from IPSP to Orion Licensee Corporation ("OLC"). This consent to assignment has not yet been consummated by the parties.

As a general matter, Orion applauds the Commission's efforts to eliminate outdated regulatory requirements and to decrease unnecessary paperwork for satellite and earth station applicants. Aside from overall support for the NPRM's proposals, Orion provides specific comments with respect to the following issues: (1) proposed rule change 25.131(j) and Rule 25.131(b) should be modified such that all U.S. licensed earth stations are accorded the same regulatory treatment, irrespective of whether communications are with a domestic or U.S. licensed separate system satellite; (2) Orion supports elimination of bandwidth limitations for digital VSAT carriers, but questions extension of existing power density limits as a "routine processing guideline"; and (3) the FCC should clarify and elaborate on the type of data desired from satellite and network operators in connection with ASIA computer program, particularly given that such requirements could be onerous and impinge upon operators' proprietary interests.

I. Regulatory Treatment For All U.S. Licensed Earth Stations Should be Equal Regardless of U.S. Licensed Satellite with Which it Communicates

As noted in the comments submitted by Orion in the pending Commission rulemaking concerning policy proposals governing domestic fixed satellites and separate international systems², Orion advocates application of same regulatory treatment for all U.S. licensed earth stations -- irrespective of whether "communications" are with a domestic or U.S. licensed separate system. Unless there are public interest concerns or technical interference reasons to the contrary, Orion submits that the same streamlined licensing procedures should pertain. Accordingly, Orion submits that proposed rule change 25.131(j) and Rule 25.131(b) of the Commission's Rules be amended to reflect such a policy.

Of particular interest to Orion is the differentiation in the regulatory treatment for receive-only earth stations which communicate with U.S. licensed satellites. Specifically,

² Amendment to Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems, IB Docket No. 95-41 (released April 25, 1995).

receive-only earth stations communicating with domestic satellites (and where no reception of services from other countries is involved) are not required to be licensed or pay regulatory filing fees to operate; rather, operators may undergo a voluntary notification process with the Commission for interference protection.³ Alternatively, receive-only earth stations operating with U.S. licensed separate systems must undergo the complete FCC licensing process (i.e., submission of costly frequency coordination study, thirty day notice and comment period). This licensing process results in a delay to the end user of at least 60 days and additional administrative and financial costs to the operator and customer.

If the proposal to authorize U.S. separate systems to provide domestic services is adopted, the Commission should ensure regulatory parity with respect to earth station licensing for these intra-U.S. services. To do otherwise impedes service and discriminates in favor of domestic satellites in the delivery of video services to domestic cable head ends and in the provision of occasional use and other receive-only data services.

Furthermore, given the "internationalization" of all satellite services which is envisioned by the above-noted rulemaking, Orion advocates that all U.S. licensed receive-only earth stations which communicate with domestic or U.S. licensed separate system satellites need only comply with the Section 25.131(b) notification process - - even in cases where signals are received from foreign jurisdictions. As the Commission may always curb abuses or rectify anti-competitive behavior through its regulatory oversight and jurisdiction over domestic earth stations and U.S. licensed domestic and separate system satellites, Orion suggests the adoption of the Section 25.131(b) notification process for all receive-only terminals which communicate with domestic and U.S. licensed separate systems.

³ Section 25.131(b) of the Commission's Rules states that "receive only earth stations in the domestic fixed-satellite service may be registered with the Commission to protect them from interference ..." Interestingly, proposed rule change 25.131(j) continues to require international space stations (and U.S. domestic and non-U.S. space stations which receive programming from other countries) to comply with the complete FCC licensing process for authority to operate.

The elimination of these arbitrary and unneeded regulations facilitates the provision of services more expeditiously and cost-effectively to the public and decreases the administrative paperwork of the Commission.

II. Orion Supports Elimination of Bandwidth Limits for Digital VSAT Carriers, but Questions Extension of Existing Power Density Limits to all Carriers

Orion supports the Commission's initiative to eliminate the narrow bandwidth limitations for digital VSAT carriers. Orion now operates, and intends to continue operating under current business plans, carriers which have gross bit rates greater than 512 kbps from earth stations equal to or larger than 1.2 meters in diameter. Thus, Orion supports the elimination of these bandwidth limitations; such a policy is in the public interest and is responsive to the increasing technological developments and efficiencies occurring within the satellite industry.

However, Orion has concerns about the Commission's proposal to extend the existing power density limits for VSATs to all digital carriers. Orion anticipates that it may be filing for authorization to operate at power density limits greater than an uplink value of -14.0 dBW/4kHz and a downlink value of +6 dBW/4kHz.

Accordingly, Orion proposes that the Commission adopt a flexible policy which allows for the authorization of higher power density levels if interference concerns can be overcome by the applicant.

III. Commission Must Elaborate on Type of Technical Information Desired From Satellite and Network Operators

Orion supports the Commission's initiative to coordinate a "general data base of information" from which satellite operators and network service providers may track technical interference information - - on both a domestic and international level. Orion, however, is concerned about utilization of the Adjacent Satellite Interference Analysis ("ASIA") computer program as the "standard program" for analyzing interference. As insufficient detail concerning this computer program was provided within the text of the NPRM, Orion suggests

that the Commission provide further information about this ASIA program and further elaborate upon the type of computer data desired from satellite and network operators.

Of concern to Orion is that this program, particularly for international applicants, could be inconsistent with current interference programs utilized in foreign jurisdictions. Further, depending upon the type of information requested, this requirement could be very time consuming and onerous on the satellite and earth station applicants. Lastly, if the information requested from satellite applicants is substantially more than that which is set forth in general ITU documentation, such reporting information could impinge upon the proprietary interests of various satellite operators.

Orion therefore recommends that the Commission provide further detail concerning the ASIA computer program and elaborate upon the type of technical interference and other reporting information requested.

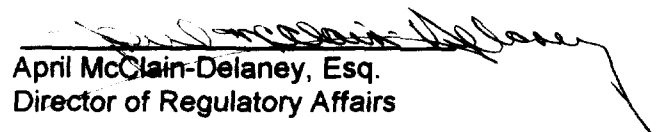
CONCLUSION

Orion supports the Commission's initiative to streamline the licensing and regulatory requirements currently applicable to satellite space station and earth station applicants. Orion recommends that the Commission modify proposed rule change for 25.131(j) and Rule 25.131(b) so that all U.S. licensed earth stations are accorded the same regulatory treatment, irrespective of whether communications are with a domestic satellite or U.S. licensed separate system satellite. Further, Orion supports the Commission's initiatives to eliminate the narrow bandwidth limitations for digital VSAT carriers. Orion does not support extending the existing power density limits for VSATs to all digital carriers as a "routine processing rule ." Orion has already coordinated with adjacent satellites for greater power density limits and foresees filing for authorization to operate at these greater power density. As such, it recommends that the

Commission authorize greater power density limits if interference concerns can be overcome by applicant. Finally, Orion recommends that the Commission provide further information on the ASIA computer program and elaborate on the type of computer data requested from licensees. These reporting requirements may be burdensome on applicants and compromise the proprietary interests of the satellite and network operators.

Respectfully submitted.

ORION NETWORK SYSTEMS, INC.



April McClain-Delaney, Esq.
Director of Regulatory Affairs

Dated: October 4, 1995

CERTIFICATE OF SERVICE

I, Julie Fleener, a legal coordinator with Orion Network Systems, Inc., hereby certify that on this 4th day of October, 1995, a copy of the foregoing Comments of Orion Network Systems, Inc. was mailed by U.S. first class mail, postage prepaid, to the parties listed on the attached service list.


Julie Fleener

SERVICE LIST

Commissioner Reed E. Hundt
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, DC 20554

Commissioner Andrew D. Barrett
Federal Communications Commission
1919 M Street, NW, Room 826
Washington, DC 20554

Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, NW, Room 844
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, NW, Room 832
Washington, DC 20554

Scott Harris
Chief of International Bureau
Federal Communications Commission
2000 M Street, NW, Room 658
Washington, DC 20554